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May 28, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on actions taken by the Legislature regarding the following measures:

- **Change in Pursuit of County Position on Legislation. County-support-if-amended SB 405 (Padilla)** - related to the phase out of single-use plastic bags was amended on May 24, 2013. The recent amendments are consistent with the Board's action of May 14, 2013 to support SB 405 if amended to indicate that the bill would not preempt stricter bag ordinances that local jurisdictions have enacted. Therefore, **the Sacramento advocates will change the County's position on SB 405 from support-if-amended to support.**
- **Status of County-Advocacy Legislation.** Updates on the status of 15 County-advocacy measures related to: homeless rights; energy efficiency projects in schools; disclosure of criminal history on employment applications; changes to labor negotiation statutes; single-use plastic bags; green waste credits; greenhouse gas reduction projects; battery disposal; veterans' housing; regulation of superstore retailers; fatal drug overdose prevention; healthy food options; property tax deferment; and the design-build procurement process.

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- **Status of Legislation of County Interest.** Updates on the status of seven measures of significant interest to the County including legislation related to: HIV testing in primary care clinics; activities of former redevelopment agencies; collective bargaining for child-care providers; the development of greenways along State rivers; and regulation of property tax agents.

Change in Pursuit of County Position on Legislation

County-support-if-amended SB 405 (Padilla), which as amended on April 2, 2013, would phase out single-use plastic bags in California grocery stores, convenience stores, liquor stores, and pharmacies by prohibiting a store from providing a single-use carryout bag to a customer at the point-of-sale and would also authorize stores to make reusable grocery bags, recyclable paper bags, or compostable bags available for purchase, was amended on May 24, 2013.

As amended SB 405 would: 1) allow a city, county or other local public agency that has adopted an ordinance, resolution, regulation, or rule relating to reusable grocery bags, single-use carryout bags, or recycled paper bags before September 1, 2013 to continue to enforce and implement that ordinance; and 2) prohibit on and after January 1, 2014, a city, county, or other local public agency to enforce or otherwise implement an ordinance enacted after September 1, 2013 relating to reusable grocery bags, single-use carryout bags, or recycled paper bags. The recent amendments are consistent with the Board's action of May 14, 2013 to support SB 405 if amended to indicate that the bill would not preempt stricter bag ordinances that local jurisdictions have enacted. Therefore, **the Sacramento advocates will change the County's position on SB 405 from support-if-amended to support.**

SB 405 passed the Senate Appropriations Committee by a vote of 4 to 3 on May 23, 2013. This measure now proceeds to the Senate Floor.

Status of County-Advocacy Legislation

On May 24, 2013, the Legislature took action on a number of measures, including over 350 bills in the Assembly Appropriations Committee. Actions taken on County-advocacy legislation are outlined below.

County-opposed AB 5 (Ammiano), which as amended on April 30, 2013, would enact the Homeless Person's Bill of Rights and Fairness Act, which provides, among other rights: 1) the right to move freely, rest, eat, share food and water, solicit donations or collect junk for recycling in public spaces, without being subject to criminal or civil

sanctions, harassment, or arrest by law enforcement; and 2) access to health and hygiene centers (with restrooms and showers) 24 hours a day, seven days a week, which would be administered by county agencies overseeing public health programs, was held in the Assembly Appropriation Committee Suspense File. This measure will not proceed this year.

County-support-if-amended AB 39 (Skinner), which as amended on May 8, 2013, would require the State to administer Proposition 39 grants, loans, or other financial assistance to an eligible institution, defined as a K-12 public school or a community college, for eligible projects that create jobs in California by reducing energy demand and consumption, and would, commencing in FY 2016-17, authorize 25 percent of Proposition 39 revenue to be allocated to projects at K-12 public schools, community colleges and other eligible institutions, public universities, or public buildings, was amended and passed the Assembly Appropriations Committee by a vote of 12 to 0. Amendments were available in print today and this office is working with affected County departments to analyze the amended language. This measure now proceeds to the Assembly Floor.

County-support-if-amended AB 158 (Levine), which as amended on April 9, 2013, would prohibit a store from providing a single-use plastic bag to a customer and would require stores to make reusable grocery bags, recyclable paper bags, or compostable bags available for purchase, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-opposed AB 218 (Dickinson), which as amended on May 24, 2013, would, commencing July 1, 2014, prohibit a State or local agency from asking an applicant to disclose information regarding a criminal conviction until the agency has determined the applicant meets the minimum employment qualifications for the position, passed the Assembly Appropriations Committee by a vote of 12 to 5, and now proceeds to the Assembly Floor.

County-opposed AB 323 (Chesbro), which as introduced on February 12, 2013, would phase-out diversion credit for green waste used as alternative daily cover by 2020 and would require large-quantity commercial generators of organic waste that is traditionally sent to landfills to source separate and recycle this material, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported AB 416 (Gordon), which as amended on April 4, 2013, would create the Local Emission Reduction Program to provide local assistance grants and other financial assistance to eligible local governments to develop and implement greenhouse gas emission reduction projects in the State, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported AB 459 (Mitchell), which as amended on April 18, 2013, would require the State to provide healthier food and beverage options for sale in vending machines, concessions, and cafeterias located in State buildings, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported AB 488 (Williams), which as amended on April 23, 2013, would require producers of non-rechargeable household batteries to develop and implement a plan to collect and manage batteries sold in the State by January 1, 2015, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-opposed AB 537 (Bonta), which as amended on April 17, 2013, would make various changes to labor negotiation statutes (Meyers-Milias-Brown Act) including: 1) authorizing either party to request mediation if they fail to reach agreement; 2) prohibiting employers from restricting communication between local agency representatives and employee representatives as part of labor negotiation rules; 3) binding a governing body to any tentative agreement reached by the bargaining representatives; and 4) making specified changes related to arbitration, passed the Assembly Appropriations Committee by a vote of 12 to 5, and now proceeds to the Assembly Floor.

County-supported AB 574 (Lowenthal), which as amended on April 15, 2013, would create the Sustainable Communities Infrastructure Program to fund sustainable communities strategies and equivalent greenhouse gas reducing strategies using cap-and-trade auction revenues, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported AB 639 (Pérez), which as introduced on February 20, 2013, would enact the Veterans Housing and Homeless Prevention Act to repurpose the Veterans' Bond Act of 2008 for the construction, rehabilitation, and preservation of multi-family and supportive housing for veterans. The measure, which would be submitted for the November 4, 2014 general election for voter approval, passed the Assembly Appropriations Committee by a vote of 17 to 0, and now proceeds to the Assembly Floor.

County-opposed AB 667 (Hernández), which as amended on May 20, 2013, would require a city, county, or city and county, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, to cause an economic impact report to be prepared, to be paid for by the project applicant, and to include specified assessments and projections, passed the Assembly Appropriations Committee by a vote of 11 to 5, and now proceeds to the Assembly Floor.

County-supported AB 831 (Bloom), which as amended on April 3, 2013, would require the California Health and Human Services Agency to establish a workgroup to develop a plan to reduce the rate of fatal drug overdoses, and appropriate \$500,000 to fund grants to local agencies for programs related to drug overdose prevention, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported AB 1322 (Patterson), which as amended on May 1, 2013, would reinstate the Senior Citizens and Disabled Citizens Property Tax Postponement (PTP) Program to provide a property tax deferment for qualified seniors and disabled persons, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

County-supported SB 785 (Wolk), which as amended on May 2, 2013, would enact uniform provisions authorizing local agencies to utilize the design-build procurement process and lower the project cost threshold to \$1.0 million, was placed on the Senate Inactive File at the request of the author on May 28, 2013.

Status of Legislation of County Interest

AB 446 (Mitchell), which as amended on May 24, 2013, would: 1) require every patient between 18 and 65 years of age who has blood drawn at a primary care clinic and who has consented, to be offered an HIV test; 2) require the medical care provider or person administering the HIV test to provide information about risk reduction strategies; 3) require the person administering the HIV test to record the informed consent in the patient's medical record; and 4) authorize the disclosure of the HIV test results by Internet posting or other electronic means if the result is posted on a secure Internet Web site and can only be viewed with the use of a secure personal identification number provided to the patient at the time of testing, passed the Assembly Appropriations Committee by a vote of 16 to 1, and now proceeds to the Assembly Floor.

AB 564 (Mullin), which as amended on March 12, 2013, would: 1) prohibit the Department of Finance (DOF) from taking any future action to modify or reverse a successor agency's oversight board decision regarding an enforceable obligation after the effective date of the oversight board's approval; and 2) prohibit DOF from taking any future action to modify a transfer, the liquidation of properties of a former redevelopment agency, or the use of proceeds from disposition by the successor agency if that action is consistent with an approved long-range asset management plan, passed the Assembly Appropriations Committee by a vote of 17 to 0, and now proceeds to the Assembly Floor.

AB 641 (Rendon), which as amended on March 19, 2013, would grant family child care providers and license-exempt child care providers the right to choose a representative to collectively negotiate the terms and conditions of employment with the State over the operation of the child care system, passed the Assembly Appropriations Committee by a vote of 12 to 5, and now proceeds to the Assembly Floor.

AB 735 (Gomez), which as amended on April 23, 2013, would establish the Statewide Greenway Initiative to promote the development of the greenways along rivers in the State, including the development of a greenway along the Los Angeles River, and would authorize a city, county, city and county, or other local government entity, upon approval of its legislative body by ordinance or resolution, to apply for public or private funding available for the development of greenways, was held in the Assembly Appropriations Committee and as previously reported, is now a two-year bill.

AB 981 (Bloom), which as introduced on February 22, 2013, would allow redevelopment successor agencies greater flexibility to use bond obligation proceeds by: 1) extending from January 1, 2011 to June 28, 2011, the date by which an entity that has assumed the housing functions in the winding down of redevelopment can designate the use of, and commit, indebtedness obligation proceeds that were issued for affordable housing purposes; and 2) allowing, upon the issuance of a finding of completion by the DOF, a successor agency to use redevelopment bond proceeds issued between January 1, 2011 and June 28, 2011, was held in the Assembly Appropriations Committee Suspense File. This measure will not proceed this year.

AB 1080 (Alejo), which as amended on May 20, 2013, would authorize cities and counties, either separately or in cooperation with each other and/or special districts, to form a Community Revitalization Investment Authority (CRIA) in certain communities to carry out the Community Redevelopment Law and invest property tax increment and bond proceeds to relieve conditions of unemployment, reduce high crime rates, repair deteriorating and inadequate infrastructure, clean up brownfields, and promote affordable housing, passed the Assembly Floor by a vote of 52 to 15 on May 24, 2013.

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This measure now proceeds to the Senate. As previously reported, AB 1080 includes a provision that allows for the receipt of tax increment funds by the CRIA, provided that the governing body of the taxing entity has adopted a resolution authorizing the allocation of tax increment funds to the CRIA.

AB 1151 (Ting), which as amended May 7, 2013, would, beginning July 1, 2014, require property tax agents to register biannually with the Secretary of State before representing a taxpayer before any county official, was held in the Assembly Appropriations Committee and will not proceed this year.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants